

# Supreme Court of Kentucky

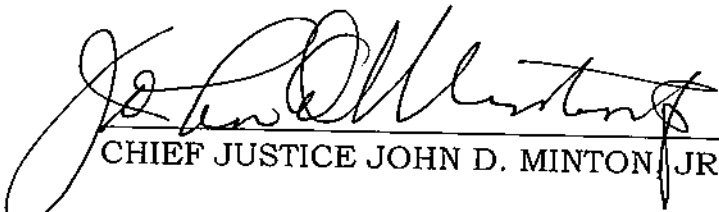
## ORDER

**IN RE: ORDER APPROVING AMENDMENT TO APPENDIX 1: DOMESTIC VIOLENCE PROTOCOL SECTION II, SUBSECTION F OF THE RULES OF COURT PRACTICE AND PROCEDURE, DOMESTIC RELATIONS RULES FOR THE 40TH JUDICIAL CIRCUIT, CLINTON, CUMBERLAND, AND MONROE COUNTIES**

Upon recommendation of the Circuit Judge of the 40th Judicial Circuit, and being otherwise sufficiently advised,

The Amendment to Appendix 1: Domestic Violence Protocol Section II, Subsection F, of the Rules of Court Practice and Procedure, Domestic Relations Rules, for the 40th Judicial Circuit, Clinton, Cumberland, and Monroe counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 12<sup>th</sup> day of February 2015.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**AMENDMENT OF RULES OF COURT PRACTICE AND PROCEDURE, DOMESTIC  
RELATIONS RULES, FOR THE 40<sup>TH</sup> JUDICIAL CIRCUIT, CLINTON,  
CUMBERLAND AND MONROE COUNTIES**

The Domestic Relations Rules (“DRR”) for the 40<sup>th</sup> Judicial Circuit having been adopted by the Circuit Court of the 40<sup>th</sup> Judicial Circuit; the DRR having been approved by the Kentucky Supreme Court on August 11, 2014; the Circuit Judge of the 40<sup>th</sup> Judicial Circuit having adopted a change to DRR Appendix 1: Domestic Violence Protocol Section II, Subsection F; upon approval by the Kentucky Supreme Court and in accordance with SCR 1.040, DRR Appendix 1: Domestic Violence Protocol Section II, Subsection F is amended to provide as follows:

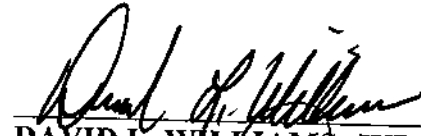
F. The scheduled for domestic violence hearings is as follows:

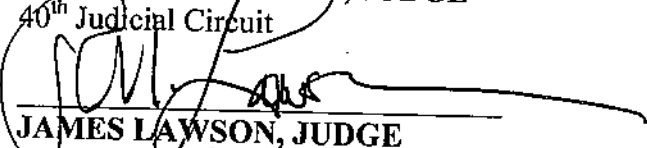
Domestic violence hearings will be heard by the District Judge, or the Circuit Judge when a motion/petition is filed in an action for dissolution or child custody consistent with Section I.C. of this Protocol above, during a regular motion hour as set forth below (and at such other times as needed to accommodate the 14-day requirement under KRS 403.745):


Clinton District Court:	Four (4) motion days each month Contact Circuit Clerk for time
Clinton Circuit Court:	2 <sup>nd</sup> Thursday of each month Contact Circuit Clerk for time
Monroe District Court:	Every Tuesday of each month Contact Circuit Clerk for time
Monroe Circuit Court:	3 <sup>rd</sup> Thursday of each month Contact Circuit Clerk for time
Cumberland District Court	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays of each month Contact Circuit Clerk for time
Cumberland Circuit Court	4 <sup>th</sup> Thursday of each month Contact Circuit Clerk for time

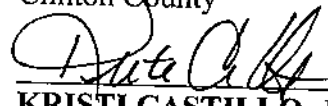
All other adopted Domestic Relations Rules for the 40<sup>th</sup> Judicial Circuit shall remain in full force and effect.

Date this 4 day of September, 2014.

  
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**DAVID L. WILLIAMS, JUDGE**  
40<sup>th</sup> Judicial Circuit

  
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**JAMES LAWSON, JUDGE**  
Division II, 40<sup>th</sup> Judicial District  
Clinton County

  
\_\_\_\_\_  
**SCARLETT LATHAM, JUDGE**  
Division I, 40<sup>th</sup> Judicial District  
Clinton County

  
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**KRISTI CASTILLO, JUDGE**  
60<sup>th</sup> Judicial District  
Cumberland and Monroe Counties

## **APPENDIX 1: DOMESTIC VIOLENCE PROTOCOL**

### **TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 40<sup>TH</sup> JUDICIAL CIRCUIT AND 40<sup>TH</sup> JUDICIAL DISTRICT (CLINTON COUNTY) AND 60<sup>TH</sup> JUDICIAL DISTRICT (MONROE AND CUMBERLAND COUNTIES)**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. Uniform Protocol for Processing Cases**

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit court when there is a dissolution/custody proceeding pending. In the exercise of joint jurisdiction between the District and Circuit Courts, as set forth in KRS 403.735(3)(c), and consistent with KRS 403.725(4), if a family member files an action for dissolution of marriage or child custody in Circuit Court, the Circuit Court shall have jurisdiction to issue protective orders upon the filing of a verified motion therein either at the commencement or during the pendency of the action in Circuit Court pursuant to the provisions of KRS 403.730 to 403.785. Any verified motion shall be filed on the AOC form as a petition and shall retain a domestic violence "D" case file number pursuant to FCRPP 13(4).
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases may be reassigned or transferred to another circuit, at the discretion of the judge, when there is a pending dissolution or child custody proceeding pending in the other circuit. Consistent with FCRPP 12, when a case is transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the

court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

## **II. Twenty-four Hour Accessibility**

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

The Clinton County Circuit Court Clerk's Office  
The Cumberland County Circuit Court Clerk's Office  
The Monroe County Circuit Court Clerk's Office  
Any law enforcement officer located in the Circuit or District

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

The Clinton County Circuit Court Clerk's Office  
The Cumberland County Circuit Court Clerk's Office  
The Monroe County Circuit Court Clerk's Office  
Any law enforcement officer located in the Circuit or District

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

Clinton County:

A District Judge within the district and if unavailable then to the Circuit Judge, and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

Cumberland County:

The District Judge, and if unavailable then to the Circuit Judge and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

Monroe County:

The District Judge, and if unavailable to the Trial Commissioner, and if unavailable then to the Circuit Judge, and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

Clinton County: A District Judge within the district, and if unavailable then to the Circuit Judge, and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

Cumberland County:

The District Judge, and if unavailable then to the Circuit Judge, and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

Monroe County:

The District Judge, and if unavailable to the Trial Commissioner, and if unavailable then to the Circuit Judge, and if all of the aforesaid are unavailable to any available Judge in other districts or circuits.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

Domestic violence hearings will be heard by the District Judge, or the Circuit Judge when a motion/petition is filed in an action for dissolution or child custody consistent with Section I.C. of this Protocol above, during a regular motion hour as set forth below (and at such other times as needed to accommodate the 14-day requirement under KRS 403.745):

Clinton District Court:	Four (4) motion days each month Contact Circuit Clerk for time
Clinton Circuit Court:	1 <sup>st</sup> and 3 <sup>rd</sup> Mondays of each month Contact Circuit Clerk for time
Monroe District Court	Every Tuesday of each month Contact Circuit Clerk for time
Monroe Circuit Court	Every 3 <sup>rd</sup> Wednesday of each month Contact Circuit Clerk for time
Cumberland District Court	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesday of each month Contact Circuit Clerk for time
Cumberland Circuit Court	4 <sup>th</sup> Thursday of each month Contact Circuit Clerk for time

The attorneys filing motions relating to domestic violence, which are to be heard before the Circuit Judge shall inform the Circuit Clerk of the time required for said motions. If the motion requires more than thirty (30) minutes, the attorneys shall contact the Circuit Judge's office for a different time to hear the motion or motions.

### III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

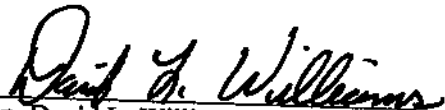
B. Petitioners seeking to initiate contempt proceedings should contact:

The Office of the Circuit Court Clerk in the county where the case is filed who will schedule a time for the hearing on the contempt motion.

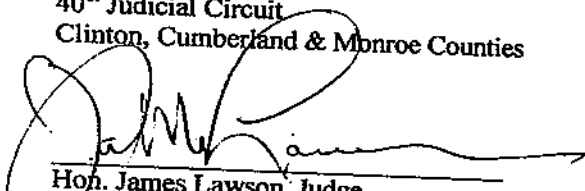
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order. Failure to appear may result in a denial of the petition pursuant to FCRPP 14(1).

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:




Hon. David L. Williams,  
40<sup>th</sup> Judicial Circuit  
Clinton, Cumberland & Monroe Counties



Hon. James Lawson, Judge  
Division II, 40<sup>th</sup> Judicial District  
Clinton County



Judge Hon. Scarlett B. Latham, Judge  
Division I, 40<sup>th</sup> Judicial District  
Clinton County



Hon. Kristi Renee Castillo, Judge  
60<sup>th</sup> Judicial District  
Cumberland and Monroe Counties